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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

16 COMMUNITIES FOR A BETTER
17 ENVIRONMENT, a California non-profit
corporation, and BAYKEEPER, a
18 California non-profit corporation

19 Plaintiffs,

20 v.
21 OWENS-ILLINOIS, dba OWENS-
BROCKWAY, a corporation

22 Defendant.

Case No. CV 06-07853 JSW

**STIPULATION AND [Proposed] ORDER
DISMISSING COMPLAINT**

Judge: Hon. Jeffrey S. White

(Federal Water Pollution Control Act,
33 U.S.C. §§ 1251 et seq.)

24 Plaintiffs, Baykeeper and Communities for a Better Environment, and defendant Owens-
25 Brockway Glass Container Inc., by and through their undersigned counsel, stipulate and agree
26 that pursuant to the terms of the Consent Agreement between them and Fed. R. Civ. P. 41(a)(2),
27 the Complaint in this action shall be dismissed with prejudice, with this Court, the Hon. Jeffrey S.
28 White presiding, to retain jurisdiction over the parties for the purpose of enforcing the terms of

1 the Consent Agreement.

2 **IT IS SO STIPULATED.**

3 Dated: April 3, 2008

BAYKEEPER

4 By: /s/
5 Amy Chastain¹

6 Dated: April 3, 2008

COMMUNITIES FOR A BETTER ENVIRONMENT

7 By: /s/
8 Shana Lazerow

9 Dated: April 3, 2008

10 SCHIFF HARDIN LLP

11 By: /s/
12 Rocky N. Unruh, attorneys for defendant
13 Owens-Brockway Glass Container Inc.

14 **ORDER**

15 The Court having reviewed and approved the Consent Agreement between the parties, and
16 having received the parties' stipulation and for good cause shown,

17 **IT IS HEREBY ORDERED** that the Complaint in this action is dismissed with prejudice
18 pursuant to Fed. R. Civ. P. 41(a)(2). **IT IS FURTHER ORDERED** that this Court shall and
19 hereby does retain jurisdiction over the parties for the purpose of enforcing the terms of the
20 Consent Agreement.

21 **IT IS SO ORDERED.**

22 Dated: April 3, 2008

23 
24 Hon. Jeffrey S. White
25 United States District Judge

26

27 ¹ As filing attorney, I attest that all counsel find the content of this document acceptable and have given me
28 permission to electronically file this joint request on their behalf. I also attest that I have on file all holograph
signatures for any signatures indicated by a conformed signature within this efiled document.